IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

SUIT NO.3358 OF 1997

The Mahanagar Telephone Nigam Limited. Plaintiffs
vs.
M/s.R.Dalpatrai & Co. Defendants

Mr.Viral D. Shukla i/b.M/s.Shukla & Associates for the plaintiffs.

None for the defendants.

CORAM : ANOOP V. MOHTA,J.

DATED : 29th June, 2007

ORAL JUDGMENT ;.

This is a Suit for recovery of various telephone bills from dated 1.3.1994 to 1.5.1995 totalling an amount of Rs.73,418/- along with interest at the rate of 21% p.a. from the date of filing of the Suit till payment and/or realisation.

2. Suit is listed under the caption of undefended Suit.

3. The plaintiffs have filed affidavit in support of their claim. The plaintiffs have also filed the documents. The documents are marked as Exhibit P-1 Collectively. The contents and the averments made in the affidavit remained uncontroverted. The documents filed are from the records available and maintained by

the plaintiffs in their ordinary and regular course of business. The contents of those documents are also remained uncontroverted.

5. Inspite of service of the telephone bills and demand notice dated 7.5.1997 the defendant failed to clear the said arrears of telephone bills. The plaintiffs therefore have filed the present Suit on 21.8.1997. The Suit is within limitation.

6. The plaintiffs have claimed the rate of interest at 21% p.a. This rate of interest on a higher side. Considering the present rate of interest, the plaintiffs are entitled to the interest at the rate of 9% from the date of the filing of the suit.

7. In the result, the Suit is decreed against the defendant in a sum of Rs.73,418/- along with interest at the rate of 9% p.a. from the date of filing of the Suit till payment and/or realisation.

8. No costs.

[ANOOP V. MOHTA,J.]